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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,562

Applicant(s)

KIPLING, DEBBIE

Examiner

Andre Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/1/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1, 3, 10, 12, 18, and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter.

For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case the independent claims 1, 10, and 12 only recite an abstract idea. The recited steps of receiving an order request, notifying a supplier, determining a capable supplier, etc. does not

involve, use, or advance the technological arts (i.e., computer, processor, electronically, etc.), since the steps could be performed using pencil and paper.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. Further, generating a display and prompting a client, etc., are considered nominal recitations of technology in the claim, and do not overcome the rejection.

In addition, claim 18 is also deemed to be non-statutory, since the claim language includes only functional and nonfunctional descriptive material, thus not falling within any statutory class.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case independent claims 1, 10, and 12 notify a supplier, client, or suggested worker of the candidate submission or approval, thereby producing a useful, concrete, and tangible result, but not within the technological arts as explained above.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 18 and 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18 and 19 are rendered vague and indefinite, since the claim language does not clearly indicate whether Applicant is claiming software per se, the associated hardware, or a combination of both.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 9, 12-14, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurzius et al (USPN 6,385,620).

As per claim 1, Kurzius et al disclose a computer-implemented method for ordering workers for a client (system 10 for automated candidate recruiting and processing, figure 1), comprising: receiving an order request including criteria identifying qualifications for a worker (job posting, including candidate qualifications is received from employer 1304, figure 13); notifying a supplier of the order request (i.e., recruiter is notified that a new job posting has been entered 1308, figure 13);

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receiving at least one candidate submission from the notified supplier, including information identifying a suggested worker intended to satisfy the order request (i.e., candidate profiles that match job criteria, 1312, figure 13); forwarding information corresponding to the candidate submission to the client for review (employer informed of the ranked matchings 1314, column 15, lines 51-56); receiving from the client a candidate approval associated with the suggested worker (i.e., candidate profile is updated with indicated interest or feedback 1110, figure 11); and notifying the supplier of the candidate approval (i.e., recruiter is notified that interest has been indicated by employer, 1112, figure 11).

As per claims 2 and 13, Kurzius et al disclose generating a display screen including a selectable template identifying predetermined qualification criteria of a worker (i.e., job posting form 1800, used to specify desired candidate qualifications, figure 18); prompting the client to complete the order request using the selectable template; and including in the order request the predetermined qualification criteria included in the selectable template (i.e., job posting form is presented to the employer for entry of job description 1302, column 14, lines 57-59).

As per claim 3, Kurzius et al disclose selecting from a database, based on the qualification criteria included in the received order request, a particular supplier; and notifying the particular supplier of the order request (i.e., recruiter is notified based upon the qualifications of a particular candidate, column 14, lines 28-31).

As per claims 4 and 14, Kurzius et al disclose notifying the client of the suggested worker by automatically generating and sending an electronic mail

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message to the client (i.e., employer informed of the ranked matching depending on the notification scheme that has been selected, including e-mail, column 15, lines 51-56 and column 5, lines 28-32).

As per claim 9, Kurzius et al disclose computer-implemented method of ordering workers using a network (system 10 for automated candidate recruiting and processing, figure 1), comprising: providing an interface in the network for clients to obtain workers from a supplier of workers (i.e., employer client 60 operating using computer 80, which includes output device 84, figures 1 and 2); permitting clients to have access to the interface to specify order requests identifying an order for workers (i.e., requesting candidates via computer 80), the order request including criteria identifying qualifications for a worker (i.e., candidate qualifications); permitting the supplier to have access to the order request based on the qualification criteria (i.e., recruiter is notified that a new job posting has been entered 1308, figure 13); and receiving at least one candidate submission from the supplier, including information identifying a suggested worker intended to satisfy the order request (i.e., employer is informed of the ranked matching 1314, figure 13).

As per claim 12, Kurzius et al disclose computer-implemented method for ordering workers for a client (system 10 for automated candidate recruiting and processing, figure 1), comprising: receiving from the client an order request including criteria identifying qualifications for a worker (job posting, including candidate qualifications is received from employer 1304, figure 13); selecting candidate information from a database based on the identified qualification criteria in the order

request, wherein the selected candidate information includes information identifying a suggested worker intended to satisfy the order request (i.e., candidate profile information in database server 30 that matches job criteria 1312, figure 13); forwarding the candidate information to the client for review (i.e., employer informed of ranked candidates 1314, figure 13); receiving from the client a candidate approval associated with the suggested worker; and notifying the suggested worker of the approval (i.e., notification that interest has been received from employer, including emailing the candidate, column 14, lines 28-32).

Claim 17 is rejected based upon the rejection of claim 12, since it is the computer program claim corresponding to the method claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-8, 15, 16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al, in view of Kenyon (USPN 6,370,542).

As per claims 5 and 15, Kurzius et al disclose the order request processed in a number of stages (i.e., process by which new postings can be created and registered by an employer, column 14, lines 55-56), comprising determining the

current stage of the order request (i.e., which step of the process the job posting is currently at, figure 13). Kurzius et al does not disclose generating a first display screen including status display components associated with each stage of the order request; and modifying each status display component to reflect the current stage of the order request. Kenyon discloses a screen display including status window 34 that shows where an object is within the process, wherein status information includes a status tag (columns 8-9, lines 66-67 and 1-10). Both Kurzius et al and Kenyon are both concerned with efficient acquisition, storage, and dissemination of information, wherein Kenyon's status display 34 indicates the general status of an object in the system, which is pertinent to the Kurzius et al's system being able to track the job posting status. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a status display components associated with each stage of the order request in Kurzius et al, as seen in Kenyon, as an efficient manner of tracking the status of the job posting process.

As per claims 6 and 16, neither Kurzius et al nor Kenyon explicitly disclose the status display components correspond to a series of bars equal to the number of stages, the method further comprising: highlighting the number of bars corresponding to the current stage. However, Kurzius et al discloses movable scroll bars to indicate a particular piece of data and selectable or manipulatable highlightable data items (columns 9-10, lines 64-67 and 1-5). As a result, it would have been obvious to one having ordinary skill in the art at the time the invention

was made to include status display components corresponding to a series of highlighted bars equal to the number of stages in Kurzius et al, as an efficient means of quickly determining the status of the job posting process.

As per claim 7, Kurzius et al disclose generating a display screen including a listing of order requests associated with a particular user (i.e., the employer database and job posting database are updated to reflect the addition of a new job posting 1306, figure 13); and associating with each order request listed in the second display screen the corresponding status display component (i.e., which step of the process the job posting is currently at, figure 13).

As per claims 8 and 19, Kurzius et al disclose the order request is processed in a number of stages (i.e., process by which new postings can be created and registered by an employer, column 14, lines 55-56). Kurzius et al does not explicitly disclose generating a display screen providing a summary of action taken on the order request during each processing stage, wherein the display screen displays, for each processing stage, the status display component, and information identifying an amount of time elapsed for each stage of the order request. Kenyon discloses the status display sorted, serving as a message board, to allow discovery of the overall status of objects and a high level of visibility for the process (i.e., summary report display, column 9, lines 42-51). Both Kurzius et al and Kenyon are both concerned with efficient acquisition, storage, and dissemination of information, wherein Kenyon's status display 34 indicates the general status of an object in the system, which is pertinent to the Kurzius et al's system being able to track the job posting

status. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a summary report display component in Kurzius et al, as seen in Kenyon, as an efficient manner of tracking the status of the job posting process.

Claim 18 is rejected based upon the rejection of claims 5 and 6, since it is the interface claim corresponding to the method claims.

As per claim 20, Kurzius et al disclose a computer-implemented method for ordering workers for a client (system 10 for automated candidate recruiting and processing, figure 1), comprising: receiving an order request including criteria identifying qualifications for a worker (job posting, including candidate qualifications is received from employer 1304, figure 13), comprising generating a display screen including a selectable template identifying predetermined qualification criteria of a worker (i.e., job posting form 1800, used to specify desired candidate qualifications, figure 18); prompting the client to complete the order request using the selectable template; and including in the order request the predetermined qualification criteria included in the selectable template (i.e., job posting form is presented to the employer for entry of job description 1302, column 14, lines 57-59), selecting from a database, based on the qualification criteria included in the received order request, a particular supplier; and notifying the particular supplier of the order request (i.e., recruiter is notified based upon the qualifications of a particular candidate, column 14, lines 28-31), notifying a supplier of the order request (i.e., recruiter is notified that a new job posting has been entered 1308, figure 13); receiving at least one

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candidate submission from the notified supplier, including information identifying a suggested worker intended to satisfy the order request (i.e., candidate profiles that match job criteria, 1312, figure 13); forwarding information corresponding to the candidate submission to the client for review (employer informed of the ranked matchings 1314, column 15, lines 51-56); wherein forwarding includes notifying the client of the suggested worker by automatically generating and sending an electronic mail message to the client (i.e., employer informed of the ranked matching depending on the notification scheme that has been selected, including e-mail, column 15, lines 51-56 and column 5, lines 28-32), receiving from the client a candidate approval associated with the suggested worker (i.e., candidate profile is updated with indicated interest or feedback 1110, figure 11); and notifying the supplier of the candidate approval (i.e., recruiter is notified that interest has been indicated by employer, 1112, figure 11), determining the current stage of the order request (i.e., which step of the process the job posting is currently at, figure 13), and generating a second display screen including a listing of order requests associated with a particular user (i.e., the employer database and job posting database are updated to reflect the addition of a new job posting 1306, figure 13); and associating with each order request listed in the second display screen the corresponding status display component (i.e., which step of the process the job posting is currently at, figure 13).

Kurzius et al does not disclose generating a first display screen including status display components associated with each stage of the order request; and modifying

each status display component to reflect the current stage of the order request.

Kenyon discloses a screen display including status window 34 that shows where an object is within the process, wherein status information includes a status tag (columns 8-9, lines 66-67 and 1-10).

Kurzius et al does not explicitly disclose generating a display screen providing a summary of action taken on the order request during each processing stage, wherein the display screen displays, for each processing stage. Kenyon discloses the status display sorted, serving as a message board, to allow discovery of the overall status of objects and a high level of visibility for the process (i.e., summary report display, column 9, lines 42-51).

Neither Kurzius et al nor Kenyon explicitly disclose the status display components correspond to a series of bars equal to the number of stages, the method further comprising: highlighting the number of bars corresponding to the current stage. However, Kurzius et al discloses movable scroll bars to indicate a particular piece of data and selectable or manipulatable highlightable data items (columns 9-10, lines 64-67 and 1-5).

Both Kurzius et al and Kenyon are both concerned with efficient acquisition, storage, and dissemination of information, wherein Kenyon's status display 34 indicates the general status of an object in the system, which is pertinent to the Kurzius et al's system being able to track the job posting status. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a status display components associated with each stage of the

order request corresponding to a series of highlighted bars equal to the number of stages, a summary report display component in Kurzius et al, as seen in Kenyon, as an efficient means of tracking the status of the job posting process, and quickly determining the status of the job posting process.

10. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al, in view of Nadkarni (USPN 6,266,659).

As per claim 10, Kurzius et al disclose computer-implemented method for ordering workers (system 10 for automated candidate recruiting and processing, figure 1), comprising: receiving at least one candidate submission from the notified select group of suppliers, including information identifying a suggested worker intended to satisfy the order request (i.e., candidate profiles, added and deleted by recruiter in database server 30, that match the job criteria 1312, column 12, lines 63-67, figure 13); and notifying a client associated with the order request of the candidate submission (i.e., employer is informed of ranked matching 1314, figure 13). Kurzius et al does not explicitly disclose determining, from a set of suppliers, a select group of suppliers capable of satisfying an order request based on stored information associated with the set of suppliers, the stored information including at least an identification of types of workers associated with each supplier; notifying each supplier in the select group of suppliers about the order request. Nadkarni discloses the employer search restricted to select groups of vendors, based on preferred qualifications (column 5, lines 56-60), wherein information about

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candidates associated with the vendor are stored in a database in step 307 (column 6, lines 60-66). Both Kurzius et al and Nadkarni are concerned with effective recruitment of potential candidates, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include determining a select group of suppliers capable of satisfying an order request based on stored information associated with the set of suppliers in Kurzius et al, as seen in Nadkarni, as a means of refinement in candidate searching, thereby making Kurzius et al more flexible and robust.

Claim 11 is rejected based upon the rejection of claim 10, since it is the computer program claim corresponding to the method claim.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Haq et al (USPN 6275812) disclose skill templates used for systematic evaluation of employee skills.

-Walker et al (USPN 5884270) disclose facilitating employment searches using anonymous communications.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



adb
April 3, 2005



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800